

NURSES PRACTICING AT A LEVEL BELOW THEIR LICENSURE

Nurses who practice at a level below that of their licensure are expected to function according to the position description for which they are employed. For example, a licensed practical nurse (LPN) who is employed as a home health care aide or certified nursing assistant (CNA) should not exceed the scope of the duties of that position, although the nurse may have education and/or training beyond that required for the position. Similarly, a registered nurse (RN) who accepts a position as an LPN or an emergency medical technician (EMT) should limit their practice to the job description and not act beyond the scope of those duties. However, in the event that the nurse voluntarily acts beyond the scope of the position description, the nurse may be held to the highest standard of care for which they are licensed.

A nurse who practices at a level below that of their licensure may also be held accountable to a higher standard of care if they knew or should have known, based on their education, training or licensure, that the failure to act would cause harm to a patient, unless the employer has clearly prohibited the nurse from taking any action.

The Board recognizes that it may be difficult for an RN or LPN to practice at a level that is below the level of their licensure, education and training. The Board also recognizes that nurses may choose, for a variety of personal reasons, to accept a position which is below their level of licensure. If the nurse decides to practice at a level below that of their licensure, they should observe the following:

- 1) Obtain a thorough understanding of the position, including a clear description of the position and their responsibilities, preferably in writing;
- 2) Clarify the limits of the position and what protocol to follow when a situation occurs that may require the nurse to make a referral to another health care provider;
- 3) Identify the risk that the nurse may be held to a higher standard of care if they exceed the duties and responsibilities of the job description or inappropriately perform a nursing procedure.